



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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July 2, 2014

BY ELECTRONIC MAIL

Robert Law, PhD  
CPG Project Coordinator  
demaximis, inc.  
186 Center Street, Suite 290  
Clinton, NJ 08809

**Re: Modeling Submittals Requested by EPA – Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study (RI/FS) – CERCLA Docket No. 02-2007-2009**

Dear Dr. Law:

This is to follow up on my correspondence to the Cooperating Parties Group (CPG), requesting information that EPA requires to oversee the modeling that the CPG is conducting as part of the RI/FS for the Lower Passaic River Study Area (LPRSA).

In my email to you on April 9, 2014, I listed four outstanding requests, which we had discussed on March 13, 2014 and which EPA understood would be provided by April 30, 2014:

1. Bed mapping at subsurface layers for dioxin (including shapefiles).
2. Bed maps for PCBs (all layers) (including shapefiles).
3. Updated ST, CFT code, inputs and a sample output.
4. Any updates to the carbon simplification code.

I also attached a document containing EPA comments on the CPG's modeling approach dated April 9, 2014, and requested a memo from the CPG by May 30, 2014 addressing:

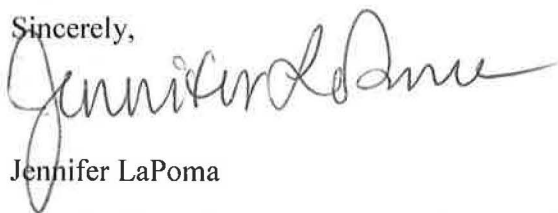
- Representation of the exchange of contaminants between the sediment bed and the water column in the contaminant fate and transport (in lieu of the "kludge")
- Changes in bathymetry, bed composition and organic carbon due to dredging and backfill
- Contaminant Fate and Transport calibration passed forward to the bioaccumulation calculations
- List of proposed changes to bioaccumulation model as discussed during the February 13, 2014 web meeting

EPA has not received any of the requested information. Without this information, EPA cannot properly oversee the development of the model, which is critical to the completion of the RI/FS for the LPRSA, as well as the Newark Bay Study Area (NBSA). For example, on several occasions the CPG has asked for EPA's comments on aspects of the modeling, such as the organic carbon simplification code; however, until EPA receives the requested information, such as the updates mentioned above, EPA cannot provide meaningful comments on the model. Further, Paragraph 37(c) of Administrative Agreement and Order on Consent (CERCLA Docket No. 02-2007-2009) (AOC) provides that Settling Parties shall obtain EPA approval for all changes to the Modeling framework and Modeling work plan input data, model codes and refinements pursuant to Section X (EPA Approval of Plans and Other Submissions). Currently, the CPG is proceeding without EPA approval of changes to inputs, codes and refinements, contrary to the requirements of the AOC. This, coupled with the refusal to meet with EPA, because of the CPG's wish to exclude Occidental Chemical Corporation and its representatives from any discussions about the development of the model, is hampering EPA's ability to oversee of the modeling as required by the AOC.

On a related matter, the CPG's revised RI/FS schedule dated May 23<sup>rd</sup>, 2014 does not contain details relating to completion of the modeling efforts required under the AOC. I understand the CPG is working on a separate schedule for the modeling and ask this is submitted to EPA no later than July 18, 2014. Please include dates for the following components of the model, for both the LPRSA and NBSA, in the modeling schedule: 1) hydrodynamics; 2) sediment transport; 3) contaminant fate and transport; and 4) bioaccumulation.

EPA is aware of no reasons that the requested information cannot be provided. If the CPG has not responded to EPA's outstanding requests by July 18, 2014, the Settling Parties will be considered in violation of the requirements of Paragraph 37(c).

Sincerely,



Jennifer LaPoma

Cc: Willard Potter, de maximis  
Ray Basso, EPA  
Sarah Flanagan, EPA  
Patricia Hick, EPA